

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JAMES DEAN CLOUD (01); and
DONOVAN QUINN CARTER CLOUD (02),

Defendants.

**Case No. 1:19-CR-02032-SMJ-1, 2
CRIMINAL MINUTES**

DATE: JANUARY 25, 2022**LOCATION: SPOKANE**

**PRETRIAL CONFERENCE/MOTION
HEARING**

Hon. Salvador Mendoza, Jr.

Nicole Cruz

02

Kimberly Allen

Courtroom Deputy**Law Clerk****Court Reporter**

Thomas Hanlon
Richard Burson

Government Counsel

John McEntire for James Cloud
Lorinda Youngcourt for James Cloud
Jeremy Sporn for James Cloud
Richard Smith for Donovan Cloud
Mark Larranaga for Donovan Cloud
Stephen Hormel for Donovan Cloud

Defense Counsel☒ **Open Court**☐ **Chambers**☐ **Teleconference**

Defendants James Dean Cloud and Donovan Quinn Carter Cloud **are present and in custody** of the U.S. Marshal with appointed counsel.

Motion to Exclude or Limit Toolmark Identification Evidence filed by James D. Cloud, ECF No. 325

Mr. Hanlon advises the following exhibits are stipulated: Government Exhibits 9-14.

No Objection by Mr. Larranaga.

Court: Government Exhibits 9-14 are **ADMITTED**.

No objection by Defendants James Cloud and Donovan Cloud to witness testifying via video conference.

Forensic Examiner Michael Van Arsdale, Federal Bureau of Investigation, via videoconference (9:06 a.m.)

Direct begins by Mr. Hanlon (Government Exhibits 5, 6, 9, 10, 11, 12, 13 and 14 discussed).

[X] ORDER FORTHCOMING

**CONVENED: 9:02 A.M.
10:35 A.M.
1:02 P.M.**

**ADJOURNED: 10:18 A.M.
11:53 A.M.
2:10 P.M.**

TIME: 3:42**CALENDARED [X]**

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Mr. Sporn advises the following exhibit is stipulated: Defense Exhibit 1009.
No Objection by Mr. Hanlon.
Court: Defense Exhibit 1009 is **ADMITTED**.

Cross examination begins by Mr. Sporn (Government Exhibit 8 and Defense Exhibit 1009 discussed).

Recess 10:18 a.m.
Reconvene 10:35 a.m.

Forensic Examiner Michael Van Arsdale, Federal Bureau of Investigation, resumes testimony via videoconference (10:35 a.m.)

Cross continues by Mr. Sporn (Government Exhibits 12, 13 and Defense 1009 discussed).

Redirect by Mr. Hanlon.

Recross by Mr. Sporn.

Witness is excused 11:05 a.m.

Closing argument by Mr. Sporn.

Closing argument by Mr. Hanlon.

Court: Motion to Exclude or Limit Toolmark Identification Evidence filed by James D. Cloud, ECF No. 325 is **DENIED**.

Argument by Mr. Smith in support of Defendant Donovan Cloud's Second Motion for Daubert Hearing and to Exclude Testimony of Friction Ridge Analysis (ECF 557).

Colloquy between Court and counsel regarding dates for Daubert hearing.

Court: Daubert hearing is **SET** for **02/09/2022 at 9:00 a.m. in Spokane**.

Argument by Mr. McEntire in support of Defendant James Cloud's Motion in Limine Re: L.L. (ECF 495)

Argument by Mr. Smith on motion.

Argument by Mr. Burson in opposition of motion.

Rebuttal Argument by Mr. McEntire.

Rebuttal Argument by Mr. Smith.

Rebuttal Argument by Mr. Burson.

Court: Defendant James Cloud's Motion in Limine Re: L.L. (ECF 495) is **TAKEN UNDER ADVISEMENT**.

Recess 11:53 a.m.
Reconvene: 1:02 p.m.

Argument by Mr. Hanlon in support of Governments Notice of Intent to Introduce Evidence Pursuant to FED. R. Evid. 404(b) (ECF 467)

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Argument by Ms. Youngcourt in support of Motion in Limine and Response to Government's Notice of Intent to Introduce Evidence Pursuant to FED. R. Evid. 404(b) (ECF 504)

Argument by Mr. Larranaga in support of Motion in Limine and Response to Government's Notice of Intent to Introduce Evidence Pursuant to FED. R. Evid. 404(b) (ECF 507)

Rebuttal argument by Mr. Hanlon.

Rebuttal argument by Ms. Youngcourt.

Rebuttal by Mr. Larranaga.

Court: Governments Notice of Intent to Introduce Evidence Pursuant to FED. R. Evid. 404(b) (ECF 467) and Defendant's James Cloud Motion and Donovan Cloud Motion in Limine and Response to Government's Notice of Intent to Introduce Evidence Pursuant to FED. R. Evid. 404(b) (ECF's 504 and 507) are **TAKEN UNDER ADVISEMENT**.

Argument by Mr. McEntire in support of Defendant James Cloud's Unopposed Motion for Access to Petit Jury Selection Records and Materials (ECF 502).

No objection by Mr. Burson.

Court: Defendant James Cloud's Unopposed Motion for Access to Petit Jury Selection Records and Materials (ECF 502) is **GRANTED**.

Mr. Sporn orally moves to extend deadline for jury instructions from 2/7/2022 to 2/8/2022.

No objection by Mr. Burson

Court: motion **GRANTED**.

Court and counsel discuss trial mechanics – Jury Questionnaires will be available for pick up on 02/10/2022 at 1:00 p.m. in the Yakima and Spokane Clerk's office; process of covid sidebars; jury seating; alternate juror selection; jury selection in courtroom 755 and jury assembly room; counsel may have a representative present in jury assembly room; live stream of trial from courtroom 755 to a Yakima courtroom for public; a list of witness names will be provided to jurors; trial schedule Monday thru Thursday 8:00 a.m. to 5:00 p.m. and Friday 8:00 a.m. to 12:00 a.m., recess 10:15 a.m. and 3:15 p.m. and lunch 12:00 p.m. to 1:30 p.m.; Entry and exit of courtroom as a group; voir dire to be determined; opening statements limit 45 minutes and jurors will be advised each trial will run approximately 4 weeks and 2nd trial may convene earlier than the 4 week mark.